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February 13, 2012

VIA ELECTRONIC MAIL

Mr. Fred Bartman
U.S. EPA – Region 5, SR-6J
77 West Jackson Boulevard
Chicago, IL 60604-3507
(bartman.fred@epa.gov)

VIA E-MAIL & OVERNIGHT DELIVERY

Ms. Cathleen R. Martwick, Esq.
Associate Regional Counsel
U.S. EPA – Region 5, C-14J
77 West Jackson Boulevard
Chicago, IL 60604
(martwick.cathleen@epa.gov)

**Re: EPA Request for Access;
Former City of Bellevue Dump Site;
Higgins Parcel, France Stone Co., York Township, Sandusky Co., Ohio**

Dear Mr. Bartman & Ms. Martwick,

This letter responds to Mr. Bartman's recent telephone and email requests for access directed to Mr. Jim Smith regarding certain property near Bellevue, Ohio owned by Hanson Aggregates Midwest, LLC ("Hanson"), successor in interest to The France Stone Company.

I am an in-house attorney representing Hanson. Three Rivers Management, Inc. is agent for Hanson concerning certain environmental matters at properties where the company no longer conducts active operations. We understand that the United States Environmental Protection Agency, Region 5 ("EPA"), seeks consent from Hanson to allow access for EPA to conduct a preliminary site investigation and removal assessment at the location of a former City of Bellevue dump site, located in York Township, Sandusky County, Ohio (the "Site"). EPA intends to conduct these activities pursuant to its authority under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601-9675, and regulations adopted thereunder. EPA believes that the Site is situated on an approximately five (5) acre portion of a much larger one hundred twenty five (125) acre parcel currently owned by Hanson and identified by the Sandusky County Auditor's Office as Tax Parcel ID# 013600001500 (the "Higgins Parcel").

Please be advised that Hanson consents to access (this "Consent"), as follows:

1. Access Area. Access is granted during reasonable times to the approximately five (5) acre portion (the "Access Area") of the Higgins Parcel where the former dump was situated, this Access Area is outlined on Figure 1 attached hereto, and is legally described in the City's Ordinance No. 22-62 (July 30, 1962) as follows:

Situated in the Township of York, Sandusky County, Ohio and known as being part of the Southwest Quarter of Section 36, commencing at a point in the east line of C.R. 308, also known as the Flat Rock Road, said point being approximately 525.0 feet north of the north line of C.R. 177; thence easterly on a line parallel with C.R. 177, a distance of 700.0 feet to a point; thence northerly on a line parallel with C.R. 308, a distance of 300.0 feet to a point in the north line of the France Stone Company premises and the south line of premises owned by N.H. Schoen; thence west along said lines a distance of 700.0 feet to the east line of C.R. 308; thence South along the East Line of C.R. 308, a distance of 300.0 feet to the place of beginning.

2. Permitted Parties. Hanson agrees that the following persons and entities may enter the Access Area at reasonable times during the term of this Consent: EPA and its officers, employees, contractors, consultants, and representatives (the "EPA Parties").
 3. Term of Access. This Consent shall remain in effect for six months from the initiation of on-Site activities by the EPA Parties. If EPA is unable to complete the activities for which access is granted within such time period, EPA may request additional time from Hanson and Hanson will not unreasonably withhold consent to such additional time.
 4. Permitted Activities. Hanson consents to the EPA Parties engaging in the following activities on or at the Access Area:
 - Conducting a Removal Site Evaluation or Removal Assessment for the Site pursuant to the CERCLA and the National Contingency Plan ("NCP"), 40 C.F.R. Part 300, including:
 - conducting sampling and investigatory activity on the property;
 - performing other actions to investigate hazardous substances including consolidating, stockpiling, handling, studying and disposing of hazardous materials from EPA's investigative and sampling activities; and
 - performing other actions to investigate potential contamination on the property that EPA may determine to be necessary.
- If EPA determines that additional activities are necessary on or at the Access Area, EPA may request Hanson's consent to access the Site for such additional activities and Hanson will not unreasonably withhold consent to such additional activities.
5. Notification of Hanson. Hanson requests that the EPA notify Hanson in advance of initiating any on-Site activities by the EPA Parties so that Hanson may, at its sole discretion, elect to have a representative present at the Access Area during EPA's implementation of on-Site activities.
 6. Sharing of Plans, Reports & Data. Hanson requests that EPA provide a copy of any Work Plans for on-Site activities and investigations within a reasonable period of time prior to the on-Site initiation of such activities or investigations. Hanson further requests that, within a reasonable period of time after they become available, EPA provide Hanson with a copy of any reports, evaluations or assessments, as well as any soil, water, groundwater, waste or other media sampling results arising from any on-Site activities undertaken by the EPA Parties at or on the Access Area.

We trust the foregoing provides the written documentation of consent for access to the Site that EPA has requested. If you have any questions or concerns regarding this consent, or wish to further discuss any of the foregoing, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. McChesney II', with a stylized flourish at the end.

Charles E. McChesney II, Esq.

Enclosures: Figure 1 – map of Access Area

cc (w/encl.): Stephen Wolfe (EPA) (via email)
Robert S. Markwell (TRMI) (via email)
Jim Smith (Hanson) (via email and U.S. Mail)
Gary O'Toole (Hanson) (via email)



Figure 1